

Judge Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OUR MONEY OUR TRANSIT, and ROBERT
MACHERIONE,

Plaintiffs,

v.

FEDERAL TRANSIT ADMINISTRATION;
PETER M. ROGOFF, in his official capacity as
Administrator, Federal Transit Administration; and
RICHARD F. KROCHALIS, in his official
capacity as Regional Administrator, Federal Transit
Administration Region X Office,

Defendants,

and

LANE TRANSIT DISTRICT,

Intervenor-Defendants.

NO. C13-1004TSZ

**STIPULATION FOR ORDER
ESTABLISHING BRIEFING
SCHEDULE ON CROSS-MOTIONS
FOR SUMMARY JUDGMENT;
ORDER THEREON**

WHEREAS plaintiffs Our Money Our Transit and Robert Macherione (collectively "OMOT") have filed the above-captioned lawsuit against the Federal Transit Administration, Peter M. Rogoff, and Richard F. Krochalis (collectively "FTA") under the Administrative Procedure Act, the Lane Transit District ("LTD") was permitted to intervene in the lawsuit, and all parties hereby stipulate that the Court may enter an order as set forth below which, among other things, establishes a briefing schedule for the case.

1 The parties agree that the above-captioned case constitutes “an action for review on an
 2 administrative record” within the meaning of FRCP 26(a) regarding initial disclosures, and FRCP 26(f)
 3 regarding participation in a discovery conference and formulation of a discovery plan, and, thus, the
 4 parties should not be subject to the deadlines included in the Court’s June 27, 2013 Order (Dkt. 12). In
 5 light of that, the parties wish to propose a schedule for lodging a joint certified administrative record and
 6 for the resolution of the matter on cross-motions for summary judgment.

7 NOW THEREFORE, the parties, through their respective counsel of record, do hereby stipulate
 8 and agree that the Court may make and enter the following order:

9 1. FTA shall lodge the certified administrative record on or before October 25, 2013. In
 10 addition, within 10 days following the filing of the last memorandum of law according to the briefing
 11 schedule below, the parties shall provide the Court with excerpts of the administrative record in hard
 12 copy, which shall include the key administrative record documents upon which the parties have relied in
 13 their legal memoranda.

14 2. Responses to the complaint shall be filed on or before November 1, 2013.

15 3. If there is an intractable dispute concerning the administrative record, OMOT shall file
 16 any motion objecting to the contents of the administrative record no later than November 8, 2013. In
 17 such an event, the parties would negotiate an appropriate extension of other deadlines.

18 4. OMOT shall file and serve its motion for summary judgment by December 20, 2013.

19 5. FTA and LTD shall file and serve their oppositions to OMOT’s summary judgment
 20 motion and cross-motion for summary judgment by January 24, 2013.

21 6. OMOT shall file and serve its reply memoranda and opposition to FTA and LTD’s
 22 cross-motions by February 21, 2014.

23 7. FTA and LTD shall file and serve their reply briefs in support of their cross-motion for
 24 summary judgment by March 21, 2014.

8. All motions shall be noted on the Court's calendar for Friday, April 11, 2014.

SO STIPULATED.

DATED: September 26, 2013.

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Attorneys for Plaintiffs Our Money Our Transit
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1 **SO STIPULATED.**

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3 DATED: September 26, 2013.

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18 Attorneys for Federal Transit Administration,
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1 **SO STIPULATED.**

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3 DATED: September 26, 2013.

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28 **ORDER**

IT IS SO ORDERED.

DATED this _____ day of _____, 2013.

THOMAS S. ZILLY
Senior United States District Judge